IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21243 of 2004

Between:

K.Lakshmaiah, S/o Balaiah,
R/o 4-11, Pothareddypeta, Dubbaka Mandal, Medak District.

..... PETITIONER

AND

Central Power Distribution Company of A.P. Ltd., Rep. by its Divisional Engineer Elec. (Operator), Siddipet, Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the action of the respondents in issuing the Proceedings No. DEE/OP/SDPT/Adm.C2/D.No. 1808/03, dated 4-12-2003 by invoking regulations under 11 (b) of erstwhile APSEB Employees Discipline and Appeal Regulations adopted by APCPDCL is illegal, arbitrary and unjust; and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner: MR.B.SHIVA KUMAR

Counsel for the Respondent: MR.S.RAVINDRANATH

The Court at the stage of admission made the following:

HONOURABLE MR.JUSTICE K.C.BHANU

WRIT PETITION NO.21243 OF 2004

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ORDER:

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This writ petition is filed by the petitioner to declare the action of the respondents in issuing the proceedings No.DEE/OP/SDPT/Adm.C2/D.No.1808/2003, dated 04.12.2003 by placing the petitioner under suspension, as illegal and arbitrary.

2 . The learned counsel appearing for the petitioner vehemently contended that the police after completion of the investigation filed a charge sheet and it will take some more time to dispose of the case, therefore, continuing the petitioner under prolonged suspension is unsustainable and hence, he prays to revoke the suspension order.

3. The petitioner was placed under suspension by the respondent-APCPDCL by invoking the regulations under 11 (b) of the erstwhile APSEB Employees Discipline and Appeal Regulations, since he was involved in Cr.No.77 of 2003 for the offence under Section 302 read with 34 of the Indian Penal Code dated 21.11.2003.

4 . Normally this Court will not interfere with the suspension order pending enquiry, unless the authority who passed the suspension order has no jurisdiction at all. The jurisdiction of the Divisional Engineer, Electrical who passed the impugned order is not under challenge. The only question that remains to be answered as raised by the learned counsel for the petitioner is that whether the case of the petitioner has reviewed by the respondents after a period of six months by taking into consideration the factum of filing of charge sheet by the police.

5. Since the order under challenge does not suffer from any incurable legal infirmities so as to call for interference of this Court and since the impugned order was passed on 04.12.2003 i.e., nearly more than one year has been elapsed, it is desirable to direct the respondents to review the case of the petitioner.

6. Accordingly, the writ petition is disposed of with a direction to the respondents to review the case of the petitioner for revocation of the suspension order, taking into consideration of the facts that one year has been elapsed from the date of suspension and also the charge sheet in the criminal case has been filed, within a period of two weeks from the date of receipt of a copy of this order. No order as to costs.

16th December, 2004. ----------

K.C.BHANU, J

SKM

TO

1 The Divisional Engineer Elec. (Operator), Central Power

Distribution Company of A.P. Ltd., Siddipet, Medak District.

2 Two C.D. Copies.